

REMARKS

Claims 85-95 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 101

Claim 93 has been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner has indicated that claim 93 could be interpreted as software per se.

In order to address the Examiner's above-noted position, Applicants note that claim 93 has been amended so as to add a feature directed to a "storage unit". Applicants respectfully submit that because a storage unit is clearly not directed to software, that the above-noted rejection of claim 93 under 35 U.S.C. 101 has been overcome.

In view of the foregoing, Applicants kindly request that the rejection under 35 U.S.C. 101 be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. § 103(a)

A. Claims 85 and 90-95 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Muntz et al. (US 2003/0208684) in view of Doherty et al. (US 6,920,567).

Regarding claim 85, Applicants note that this claim recites "the license management server storing usage control information for the content and the metadata, the usage control information including signer identification information, the signer identification information identifying a range of a provider that is permitted to provide the metadata to the terminal apparatus".

With respect to the above-noted feature, Applicants note that the Examiner has recognized in the Office Action that Muntz does not disclose or suggest such a feature (see

Office Action at page 4). The Examiner, however, has taken the position that Doherty cures this deficiency of Muntz (see Office Action at page 5). Applicants respectfully disagree.

In particular, regarding Doherty, Applicants note that this reference discloses the use of a license server that creates a license database, and grants a license to a software product to a user system upon from a request from a user that meets the constraints of a package license description, which are primarily limitations on the number of licenses that may be granted (see col. 2, lines 40-46).

In addition, Applicants note that Doherty also discloses the use of a dynamic license database which includes license information that defines license conditions for use of the digital content in a user system (see col. 4, lines 35-38). In this regard, as explained in Doherty, when license information defining a license is resident in the dynamic license database, a license monitor and control mechanism is responsive to an attempt by a user system to access the digital content, and determines whether a use of the digital content by a user complies with the license defined in the dynamic license database (see col. 4, lines 53-62).

Thus, in Doherty, Applicants note that the license server receives a license request from a user, and determines whether or not to grant the license based on whether or not the request meets the constraints of the package license description (e.g., number of grantable licenses has not been exceeded), or based on whether or not the use of the digital content complies with a license defined in the dynamic license database.

Based on the foregoing description, Applicants note that while Doherty discloses the use of a license server that is able to grant a license to a user if the user meets the constraints of the package license description or if the use of the digital content complies with a license defined in the dynamic license database, that Doherty does not disclose or in any way suggest the use of a

license server that stores usage control information which includes signer identification information, the signer identification information identifying a range of a provider that is permitted to provide the metadata to the terminal apparatus.

In view of the foregoing, Applicants respectfully submit that Doherty does not disclose, suggest or otherwise render obvious the above-noted feature recited in claim 85 which indicates “the license management server storing usage control information for the content and the metadata, the usage control information including signer identification information, the signer identification information identifying a range of a provider that is permitted to provide the metadata to the terminal apparatus”.

Accordingly, Applicants submit that claim 85 is patentable over the combination of Muntz and Doherty, an indication of which is kindly requested.

If the Examiner maintains the above-noted rejection of claim 85, in order for Applicants to be able to make an informed decision with regard to appeal, Applicants kindly request that the Examiner explicitly identify the information in Doherty that is being relied upon as allegedly corresponding to the claimed “usage control information” and the claimed “signer identification information”, and to explain how the “signer identification information” identifies a “range of a provider” as set forth in claim 85.

In addition, regarding claim 85, Applicants note that this claim recites the feature of judging, at the terminal apparatus, whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server.

Regarding the above-noted feature, Applicants note that the Examiner has taken the position in the Office Action that Doherty discloses such a feature (see Office Action at page 5). Applicants respectfully disagree for at least similar reasons as discussed above.

In particular, while Doherty discloses the use of a license server that is able to grant a license to a user if the user meets the constraints of the package license description or if the use of the digital content complies with a license defined in the dynamic license database, Applicants respectfully submit that Doherty does not disclose or suggest the above-noted feature recited in claim 85 of judging, at the terminal apparatus, whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server.

In view of the foregoing, Applicants respectfully submit that claim 85 is patentable over the combination of the combination of Muntz and Doherty, an indication of which is kindly requested. Claims 90-92 depend from claim 85 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 93, Applicants note that this claim recites receiving, from the license management server, usage control information for the content and the metadata, the license management server storing the usage control information for the content and the metadata, the usage control information including signer identification information, the signer identification information identifying a range of a provider that is permitted to provide the metadata to the terminal apparatus; and a judging unit for judging whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage

control information indicates a) the content distribution server or b) the content distribution server and the metadata distribution server that is authorized by the content distribution server.

For at least similar reasons as discussed above with respect to claim 85, Applicants respectfully submit that the combination of Muntz and Doherty does not teach, suggest or otherwise render obvious the above-noted features recited in claim 93. Accordingly, Applicants submit that claim 93 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 94, Applicants note that this claim recites the features of a license management server for storing usage control information for the content and the metadata, the usage control information including signer identification information, the signer identification information identifying a range of a provider that is permitted to provide the metadata to the terminal apparatus; and a judging unit for judging whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server

For at least similar reasons as discussed above with respect to claim 85, Applicants respectfully submit that the combination of Muntz and Doherty does not teach, suggest or otherwise render obvious the above-noted features recited in claim 94. Accordingly, Applicants submit that claim 94 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 95, Applicants note that this claim recites that the license management server stores usage control information for the content and the metadata, the usage control information including signer identification information, the signer identification information

identifying a range of a provider that is permitted to provide the metadata to the terminal apparatus; and judging, at the terminal apparatus, whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server

For at least similar reasons as discussed above with respect to claim 85, Applicants respectfully submit that the combination of Muntz and Doherty does not teach, suggest or otherwise render obvious the above-noted features recited in claim 95. Accordingly, Applicants submit that claim 95 is patentable over the cited prior art, an indication of which is kindly requested.

B. Claims 86-89 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Muntz et al. (US 2003/0208684) in view of Doherty et al. (US 6,920,567), and further in view of Lowe et al. (US 2004/0267693).

Claims 86-89 depend from claim 85. Applicants submit that Lowe fails to cure the deficiencies of Muntz and Doherty, as discussed above, with respect to claim 85. Accordingly, Applicants submit that claims 86-89 are patentable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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